



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0659/P2

RLR:wlj:md

In 1/27/09

stays

DOA:.....Fox, BB0193 - Adult Family Homes

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

RMB

Do Not Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Under current law, DHS regulates various types of long-term care providers, including three- and four-bed adult family homes.

This bill requires DHS to regulate one- and two-bed adult family homes. Under the bill, DHS must establish certification standards for one- and two-bed adult family homes. The bill provides that after the Family Care Program is implemented in a county, one- and two-bed adult family homes may not provide services for a person who is a recipient of services under Family Care, a community-based long-term care MA waiver program, or Supplemental Security Income unless the home is certified by DHS. Under the bill, DHS must certify one- and two-bed adult family homes upon determining that they satisfy DHS's certification standards. In addition, DHS must certify one- and two-bed adult family homes that were certified by a county and attest that they satisfy the certification standards established by DHS. DHS may impose fees for certification. In addition DHS may inspect one- and two-bed adult family homes and revoke their certification for failure to satisfy certification standards.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 16.009 (1) (em) 6. of the statutes is amended to read:

2 16.009 (1) (em) 6. An adult family home, as defined in s. 50.01 (1) (a) or (b).

3 **SECTION 2.** 20.435 (6) (jm) of the statutes is amended to read:

4 20.435 (6) (jm) *Licensing and support services.* The amounts in the schedule
5 for the purposes specified in ss. 48.685 (2) (am) and (b) 1., (3) (a) and (b), and (5) (a),
6 49.45 (47), 50.02 (2), 50.025, 50.031, 50.065 (2) (am) and (b) 1., (3) (a) and (b), and (5),
7 50.13, 50.135, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.981, and 146.40
8 (4r) (b) and (er), and subch. IV of ch. 50 and to conduct health facilities plan and rule
9 development activities, for accrediting nursing homes, convalescent homes, and
10 homes for the aged, to conduct capital construction and remodeling plan reviews
11 under ss. 50.02 (2) (b) and 50.36 (2), and for the costs of inspecting, licensing or
12 certifying, and approving facilities, issuing permits, and providing technical
13 assistance, that are not specified under any other paragraph in this subsection. All
14 moneys received under ss. 48.685 (8), 49.45 (47) (c), 50.02 (2), 50.025, 50.031 (6),
15 50.065 (8), 50.13, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.93 (1) (c), and
16 50.981, all moneys received from fees for the costs of inspecting, licensing or
17 certifying, and approving facilities, issuing permits, and providing technical
18 assistance, that are not specified under any other paragraph in this subsection, and
19 all moneys received under s. 50.135 (2) shall be credited to this appropriation
20 account.

21 **SECTION 3.** 46.281 (3) of the statutes is amended to read:

1 46.281 (3) DUTY OF THE SECRETARY. The secretary shall certify to each county,
2 hospital, nursing home, community-based residential facility, adult family home, as
3 defined in s. 50.01 (1) (a) or (b), and residential care apartment complex the date on
4 which a resource center that serves the area of the county, hospital, nursing home,
5 community-based residential facility, adult family home, or residential care
6 apartment complex is first available to perform functional screenings and financial
7 and cost-sharing screenings. To facilitate phase-in of services of resource centers,
8 the secretary may certify that the resource center is available for specified groups of
9 eligible individuals or for specified facilities in the county.

10 **SECTION 4.** 46.283 (4) (e) of the statutes is amended to read:

11 46.283 (4) (e) Provide information about the services of the resource center,
12 including the services specified in sub. (3) (d), about assessments under s. 46.284 (4)
13 (b) and care plans under s. 46.284 (4) (c), and about the family care benefit to all older
14 persons and persons with a physical disability who are residents of nursing homes,
15 community-based residential facilities, adult family homes, as defined in s. 50.01 (1)
16 (a) or (b), and residential care apartment complexes in the area of the resource center.

17 **SECTION 5.** 46.283 (4) (g) of the statutes is amended to read:

18 46.283 (4) (g) Perform a functional screening and a financial and cost-sharing
19 screening for any person seeking admission to a nursing home, community-based
20 residential facility, residential care apartment complex, or adult family home, as
21 defined in s. 50.01 (1) (a) or (b), if the secretary has certified that the resource center
22 is available to the person and the facility and the person is determined by the
23 resource center to have a condition that is expected to last at least 90 days that would
24 require care, assistance, or supervision. A resource center may not require a
25 financial and cost-sharing screening for a person seeking admission or about to be

1 admitted on a private pay basis who waives the requirement for a financial and
2 cost-sharing screening under this paragraph, unless the person is expected to
3 become eligible for medical assistance within 6 months. A resource center need not
4 perform a functional screening for a person seeking admission or about to be
5 admitted for whom a functional screening was performed within the previous 6
6 months.

7 **SECTION 6.** 50.01 (1) (intro.) of the statutes is amended to read:

8 50.01 (1) (intro.) "Adult family home" means one of the following and does not
9 include a place that is specified in sub. (1g) (a) to (d), (f), or (g):

10 **SECTION 7.** 50.01 (1) (b) of the statutes is amended to read:

11 50.01 (1) (b) A place where 3 or 4 adults who are not related to the operator
12 reside and receive care, treatment or services that are above the level of room and
13 board and that may include up to 7 hours per week of nursing care per resident.
14 "Adult family home" does not include a place that is specified in sub. (1g) (a) to (d),
15 (f) or (g).

16 **SECTION 8.** 50.01 (1) (c) of the statutes is created to read:

17 50.01 (1) (c) A private residence in which care, treatment, support, or service
18 above the level of room and board, but not including nursing care, is provided to up
19 to 2 adults by the operator, whose primary domicile is the residence,

20 **SECTION 9.** 50.02 (1) of the statutes is amended to read:

21 50.02 (1) DEPARTMENTAL AUTHORITY. The department may provide uniform,
22 statewide licensing, inspection, and regulation of community-based residential
23 facilities and nursing homes as provided in this subchapter. The department shall
24 certify, inspect, and otherwise regulate adult family homes, as specified under s. ss.
25 50.031 and 50.032 and shall license adult family homes, as specified under s. 50.033.

1 Nothing in this subchapter may be construed to limit the authority of the department
2 of commerce or of municipalities to set standards of building safety and hygiene, but
3 any local orders of municipalities shall be consistent with uniform, statewide
4 regulation of community-based residential facilities. The department may not
5 prohibit any nursing home from distributing over-the-counter drugs from bulk
6 supply. The department may consult with nursing homes as needed and may provide
7 specialized consultations when requested by any nursing home, separate from its
8 inspection process, to scrutinize any particular questions the nursing home raises.
9 The department shall, by rule, define "specialized consultation".

10 **SECTION 10.** 50.031 of the statutes is created to read:

11 **50.031 Certification of 1-bed and 2-bed adult family homes. (1)**

12 **DEFINITION.** In this section, "adult family home" has the meaning given in s. 50.01
13 (1) (c).

14 **(2) CERTIFICATION.** (a) After the date on which the family care benefit under
15 s. 46.286 is first made available in a county, no person may operate an adult family
16 home in that county that provides residential care to a recipient of supplemental
17 security income under 42 USC 1381 to 1383c, a recipient of the family care benefit
18 under s. 46.286, or a recipient of services under s. 46.27 (11), 46.275, 46.277, 46.278,
19 or 46.2785 unless the adult family home is certified by the department under par. (b)
20 or (c).

21 (b) The department shall certify an adult family home upon determining that
22 the adult family home satisfies standards established under sub. (3).

23 (c) The department shall certify an adult family home that was certified by a
24 county department to receive payment for residential care under s. 46.27 (11),

or under any other program operated under a waiver authorized by the secretary of the department of health and human services under 42 USC 1396n (b) or (c) 3A

by a county department under s. 46.0215
46.022, 46.023, 51.042, or 51.0437

1 46.275, 46.277, 46.278, or 46.2785 if the operator of the adult family home attests to
2 all of the following:

3 1. That the adult family home was certified by a county department and is at
4 the same location as when certified by the county department.

5 2. That the adult family home satisfies standards established under sub. (3).

6 (d) Certification under par. (b) or (c) shall be valid until revoked by the
7 department.

8 (3) STANDARDS. The department shall establish standards for certification
9 under this section.

10 (4) INVESTIGATION. The department may investigate complaints that an adult
11 family home certified under this section violated a standard for certification under
12 sub. (3).

13 (5) REVOCATION. The department may revoke the certification of an adult
14 family home that is certified under this section if the adult family home violates a
15 standard established under sub. (3).

16 (6) FEE. The department may charge a fee for certification under sub. (2) (a)
17 and a fee for a certification under sub. (2) (b).

18 **SECTION 11.** 59.69 (15) (intro.) of the statutes is amended to read:

19 59.69 (15) COMMUNITY AND OTHER LIVING ARRANGEMENTS. (intro.) For purposes
20 of this section, the location of a community living arrangement for adults, as defined
21 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
22 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in
23 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any
24 municipality, shall be subject to the following criteria:

25 **SECTION 12.** 60.63 (intro.) of the statutes is amended to read:

60.63 Community and other living arrangements. (intro.) For purposes of s. 60.61, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any town shall be subject to the following criteria:

SECTION 13. 62.23 (7) (i) (intro.) of the statutes is amended to read:

62.23 (7) (i) *Community and other living arrangements.* (intro.) For purposes of this section, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any city shall be subject to the following criteria:

SECTION 14. 563.03 (1) of the statutes is amended to read:

563.03 (1) “Adult family home” has the meaning given in s. 50.01 (1) (a) or (b).

(END)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0659/P3

RLR:wlj:ff

8/2/08

DOA:.....Fox, BB0193 - Adult Family Homes

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

(RMR)
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HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

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This bill requires DHS to regulate one- and two-bed adult family homes. Under the bill, DHS must establish certification standards for one- and two-bed adult family homes. The bill provides that after the Family Care Program is implemented in a county, one- and two-bed adult family homes may not provide services for a person who is a recipient of services under Family Care, a community-based long-term care MA waiver program, or Supplemental Security Income unless the home is certified by DHS. Under the bill, DHS must certify one- and two-bed adult family homes upon determining that they satisfy DHS's certification standards. In addition, DHS must certify one- and two-bed adult family homes that were certified by a county and attest that they satisfy the certification standards established by DHS. DHS may impose fees for certification. In addition DHS may inspect one- and two-bed adult family homes and revoke their certification for failure to satisfy certification standards.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 16.009 (1) (em) 6. of the statutes is amended to read:

2 16.009 (1) (em) 6. An adult family home, as defined in s. 50.01 (1) (a) or (b).

3 **SECTION 2.** 20.435 (6) (jm) of the statutes is amended to read:

4 20.435 (6) (jm) *Licensing and support services.* The amounts in the schedule
5 for the purposes specified in ss. 48.685 (2) (am) and (b) 1., (3) (a) and (b), and (5) (a),
6 49.45 (47), 50.02 (2), 50.025, 50.031, 50.065 (2) (am) and (b) 1., (3) (a) and (b), and (5),
7 50.13, 50.135, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.981, and 146.40
8 (4r) (b) and (er), and subch. IV of ch. 50 and to conduct health facilities plan and rule
9 development activities, for accrediting nursing homes, convalescent homes, and
10 homes for the aged, to conduct capital construction and remodeling plan reviews
11 under ss. 50.02 (2) (b) and 50.36 (2), and for the costs of inspecting, licensing or
12 certifying, and approving facilities, issuing permits, and providing technical
13 assistance, that are not specified under any other paragraph in this subsection. All
14 moneys received under ss. 48.685 (8), 49.45 (47) (c), 50.02 (2), 50.025, 50.031 (6),
15 50.065 (8), 50.13, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.93 (1) (c), and
16 50.981, all moneys received from fees for the costs of inspecting, licensing or
17 certifying, and approving facilities, issuing permits, and providing technical
18 assistance, that are not specified under any other paragraph in this subsection, and
19 all moneys received under s. 50.135 (2) shall be credited to this appropriation
20 account.

21 **SECTION 3.** 46.281 (3) of the statutes is amended to read:

49.45 (42) (c),

1 46.281 (3) DUTY OF THE SECRETARY. The secretary shall certify to each county,
2 hospital, nursing home, community-based residential facility, adult family home, as
3 defined in s. 50.01 (1) (a) or (b), and residential care apartment complex the date on
4 which a resource center that serves the area of the county, hospital, nursing home,
5 community-based residential facility, adult family home, or residential care
6 apartment complex is first available to perform functional screenings and financial
7 and cost-sharing screenings. To facilitate phase-in of services of resource centers,
8 the secretary may certify that the resource center is available for specified groups of
9 eligible individuals or for specified facilities in the county.

10 SECTION 4. 46.283 (4) (e) of the statutes is amended to read:

11 46.283 (4) (e) Provide information about the services of the resource center,
12 including the services specified in sub. (3) (d), about assessments under s. 46.284 (4)
13 (b) and care plans under s. 46.284 (4) (c), and about the family care benefit to all older
14 persons and persons with a physical disability who are residents of nursing homes,
15 community-based residential facilities, adult family homes, as defined in s. 50.01 (1)
16 (a) or (b), and residential care apartment complexes in the area of the resource center.

17 SECTION 5. 46.283 (4) (g) of the statutes is amended to read:

18 46.283 (4) (g) Perform a functional screening and a financial and cost-sharing
19 screening for any person seeking admission to a nursing home, community-based
20 residential facility, residential care apartment complex, or adult family home, as
21 defined in s. 50.01 (1) (a) or (b), if the secretary has certified that the resource center
22 is available to the person and the facility and the person is determined by the
23 resource center to have a condition that is expected to last at least 90 days that would
24 require care, assistance, or supervision. A resource center may not require a
25 financial and cost-sharing screening for a person seeking admission or about to be

1 admitted on a private pay basis who waives the requirement for a financial and
2 cost-sharing screening under this paragraph, unless the person is expected to
3 become eligible for medical assistance within 6 months. A resource center need not
4 perform a functional screening for a person seeking admission or about to be
5 admitted for whom a functional screening was performed within the previous 6
6 months.

7 **SECTION 6.** 50.01 (1) (intro.) of the statutes is amended to read:

8 50.01 (1) (intro.) "Adult family home" means one of the following and does not
9 include a place that is specified in sub. (1g) (a) to (d), (f), or (g):

10 **SECTION 7.** 50.01 (1) (b) of the statutes is amended to read:

11 50.01 (1) (b) A place where 3 or 4 adults who are not related to the operator
12 reside and receive care, treatment or services that are above the level of room and
13 board and that may include up to 7 hours per week of nursing care per resident.
14 ~~"Adult family home" does not include a place that is specified in sub. (1g) (a) to (d),~~
15 ~~(f) or (g).~~

16 **SECTION 8.** 50.01 (1) (c) of the statutes is created to read:

17 50.01 (1) (c) A place in which the operator provides care, treatment, support,
18 or service above the level of room and board, but not including nursing care, to up to
19 2 adults who are not related to the operator.

20 **SECTION 9.** 50.02 (1) of the statutes is amended to read:

21 50.02 (1) DEPARTMENTAL AUTHORITY. The department may provide uniform,
22 statewide licensing, inspection, and regulation of community-based residential
23 facilities and nursing homes as provided in this subchapter. The department shall
24 certify, inspect, and otherwise regulate adult family homes, as specified under s. ss.
25 50.031 and 50.032 and shall license adult family homes, as specified under s. 50.033.

1 Nothing in this subchapter may be construed to limit the authority of the department
2 of commerce or of municipalities to set standards of building safety and hygiene, but
3 any local orders of municipalities shall be consistent with uniform, statewide
4 regulation of community-based residential facilities. The department may not
5 prohibit any nursing home from distributing over-the-counter drugs from bulk
6 supply. The department may consult with nursing homes as needed and may provide
7 specialized consultations when requested by any nursing home, separate from its
8 inspection process, to scrutinize any particular questions the nursing home raises.
9 The department shall, by rule, define "specialized consultation".

10 **SECTION 10.** 50.031 of the statutes is created to read:

11 **50.031 Certification of 1-bed and 2-bed adult family homes. (1)**

12 **DEFINITION.** In this section, "adult family home" has the meaning given in s. 50.01
13 (1) (c).

14 **(2) CERTIFICATION.** (a) After the date on which the family care benefit under
15 s. 46.286 is first made available in a county, no person may operate an adult family
16 home in that county that provides residential care to a recipient of supplemental
17 security income under 42 USC 1381 to 1383c, a recipient of the family care benefit
18 under s. 46.286, or a recipient of services under s. 46.27 (11), 46.275, 46.277, 46.278,
19 or 46.2785, or under any other program operated under a waiver authorized by the
20 secretary at the U.S. department of health and human services under 42 USC 1396n
21 (b) or (c), unless the adult family home is certified by the department under par. (b)
22 or (c).

23 (b) The department shall certify an adult family home upon determining that
24 the adult family home satisfies standards established under sub. (3).

1 (c) The department shall certify an adult family home that was certified to
2 receive payment for residential care under s. 46.27 (11), 46.275, 46.277, 46.278, or
3 46.2785 by a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437 if the
4 operator of the adult family home attests to all of the following:

5 1. That the adult family home was certified by the county department and is
6 at the same location as when certified by the county department.

7 2. That the adult family home satisfies standards established under sub. (3).

8 (d) Certification under par. (b) or (c) shall be valid until revoked by the
9 department.

10 (3) STANDARDS. The department shall establish standards for certification
11 under this section.

12 (4) INVESTIGATION. The department may investigate complaints that an adult
13 family home certified under this section violated a standard for certification under
14 sub. (3).

15 (5) REVOCATION. The department may revoke the certification of an adult
16 family home that is certified under this section if the adult family home violates a
17 standard established under sub. (3).

18 (6) FEE. The department may charge a fee for certification under sub. (2) (a)
19 and a fee for a certification under sub. (2) (b).

20 **SECTION 11.** 59.69 (15) (intro.) of the statutes is amended to read:

21 59.69 (15) COMMUNITY AND OTHER LIVING ARRANGEMENTS. (intro.) For purposes
22 of this section, the location of a community living arrangement for adults, as defined
23 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
24 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in

1 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any
2 municipality, shall be subject to the following criteria:

3 **SECTION 12.** 60.63 (intro.) of the statutes is amended to read:

4 **60.63 Community and other living arrangements.** (intro.) For purposes
5 of s. 60.61, the location of a community living arrangement for adults, as defined in
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19 (END)

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0659/P4ins
RLR:.....

1

Ins 2-20:

***NOTE: This is reconciled s. 20.435 (6) (jm). This SECTION has been affected by drafts with the following LRB numbers: 0659 and 0660.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0659/P4dn

RLR.....
gs

✓ ✓
This draft reconciles LRB-0659/P3 and LRB-0660/2. All of these drafts should
continue to appear in the compiled bill.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0659/P4dn
RLR:cjs:md

January 30, 2009

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E-mail: robin.ryan@legis.wisconsin.gov



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0659/P4
RLR:wlj:md

DOA:.....Fox, BB0193 - Adult Family Homes

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19 all moneys received under s. 50.135 (2) shall be credited to this appropriation
20 account.

****NOTE: This is reconciled s. 20.435 (6) (jm). This SECTION has been affected by drafts with the following LRB numbers: 0659/P3 and 0660/P3.

1 **SECTION 3.** 46.281 (3) of the statutes is amended to read:

2 46.281 (3) DUTY OF THE SECRETARY. The secretary shall certify to each county,
3 hospital, nursing home, community-based residential facility, adult family home, as
4 defined in s. 50.01 (1) (a) or (b), and residential care apartment complex the date on
5 which a resource center that serves the area of the county, hospital, nursing home,
6 community-based residential facility, adult family home, or residential care
7 apartment complex is first available to perform functional screenings and financial
8 and cost-sharing screenings. To facilitate phase-in of services of resource centers,
9 the secretary may certify that the resource center is available for specified groups of
10 eligible individuals or for specified facilities in the county.

11 **SECTION 4.** 46.283 (4) (e) of the statutes is amended to read:

12 46.283 (4) (e) Provide information about the services of the resource center,
13 including the services specified in sub. (3) (d), about assessments under s. 46.284 (4)
14 (b) and care plans under s. 46.284 (4) (c), and about the family care benefit to all older
15 persons and persons with a physical disability who are residents of nursing homes,
16 community-based residential facilities, adult family homes, as defined in s. 50.01 (1)
17 (a) or (b), and residential care apartment complexes in the area of the resource center.

18 **SECTION 5.** 46.283 (4) (g) of the statutes is amended to read:

19 46.283 (4) (g) Perform a functional screening and a financial and cost-sharing
20 screening for any person seeking admission to a nursing home, community-based
21 residential facility, residential care apartment complex, or adult family home, as
22 defined in s. 50.01 (1) (a) or (b), if the secretary has certified that the resource center
23 is available to the person and the facility and the person is determined by the
24 resource center to have a condition that is expected to last at least 90 days that would
25 require care, assistance, or supervision. A resource center may not require a

1 financial and cost-sharing screening for a person seeking admission or about to be
2 admitted on a private pay basis who waives the requirement for a financial and
3 cost-sharing screening under this paragraph, unless the person is expected to
4 become eligible for medical assistance within 6 months. A resource center need not
5 perform a functional screening for a person seeking admission or about to be
6 admitted for whom a functional screening was performed within the previous 6
7 months.

8 **SECTION 6.** 50.01 (1) (intro.) of the statutes is amended to read:

9 50.01 (1) (intro.) "Adult family home" means one of the following and does not
10 include a place that is specified in sub. (1g) (a) to (d), (f), or (g):

11 **SECTION 7.** 50.01 (1) (b) of the statutes is amended to read:

12 50.01 (1) (b) A place where 3 or 4 adults who are not related to the operator
13 reside and receive care, treatment or services that are above the level of room and
14 board and that may include up to 7 hours per week of nursing care per resident.
15 ~~"Adult family home" does not include a place that is specified in sub. (1g) (a) to (d),~~
16 ~~(f) or (g).~~

17 **SECTION 8.** 50.01 (1) (c) of the statutes is created to read:

18 50.01 (1) (c) A place in which the operator provides care, treatment, support,
19 or service above the level of room and board, but not including nursing care, to up to
20 2 adults who are not related to the operator.

21 **SECTION 9.** 50.02 (1) of the statutes is amended to read:

22 50.02 (1) DEPARTMENTAL AUTHORITY. The department may provide uniform,
23 statewide licensing, inspection, and regulation of community-based residential
24 facilities and nursing homes as provided in this subchapter. The department shall
25 certify, inspect, and otherwise regulate adult family homes, as specified under ~~s.~~ ss.

1 50.031 and 50.032 and shall license adult family homes, as specified under s. 50.033.
2 Nothing in this subchapter may be construed to limit the authority of the department
3 of commerce or of municipalities to set standards of building safety and hygiene, but
4 any local orders of municipalities shall be consistent with uniform, statewide
5 regulation of community-based residential facilities. The department may not
6 prohibit any nursing home from distributing over-the-counter drugs from bulk
7 supply. The department may consult with nursing homes as needed and may provide
8 specialized consultations when requested by any nursing home, separate from its
9 inspection process, to scrutinize any particular questions the nursing home raises.
10 The department shall, by rule, define "specialized consultation".

11 **SECTION 10.** 50.031 of the statutes is created to read:

12 **50.031 Certification of 1-bed and 2-bed adult family homes. (1)**

13 **DEFINITION.** In this section, "adult family home" has the meaning given in s. 50.01
14 (1) (c).

15 **(2) CERTIFICATION.** (a) After the date on which the family care benefit under
16 s. 46.286 is first made available in a county, no person may operate an adult family
17 home in that county that provides residential care to a recipient of supplemental
18 security income under 42 USC 1381 to 1383c, a recipient of the family care benefit
19 under s. 46.286, or a recipient of services under s. 46.27 (11), 46.275, 46.277, 46.278,
20 or 46.2785, or under any other program operated under a waiver authorized by the
21 secretary at the U.S. department of health and human services under 42 USC 1396n
22 (b) or (c), unless the adult family home is certified by the department under par. (b)
23 or (c).

24 (b) The department shall certify an adult family home upon determining that
25 the adult family home satisfies standards established under sub. (3).

1 (c) The department shall certify an adult family home that was certified to
2 receive payment for residential care under s. 46.27 (11), 46.275, 46.277, 46.278, or
3 46.2785 by a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437 if the
4 operator of the adult family home attests to all of the following:

5 1. That the adult family home was certified by the county department and is
6 at the same location as when certified by the county department.

7 2. That the adult family home satisfies standards established under sub. (3).

8 (d) Certification under par. (b) or (c) shall be valid until revoked by the
9 department.

10 (3) STANDARDS. The department shall establish standards for certification
11 under this section.

12 (4) INVESTIGATION. The department may investigate complaints that an adult
13 family home certified under this section violated a standard for certification under
14 sub. (3).

15 (5) REVOCATION. The department may revoke the certification of an adult
16 family home that is certified under this section if the adult family home violates a
17 standard established under sub. (3).

18 (6) FEE. The department may charge a fee for certification under sub. (2) (a)
19 and a fee for a certification under sub. (2) (b).

20 SECTION 11. 59.69 (15) (intro.) of the statutes is amended to read:

21 59.69 (15) COMMUNITY AND OTHER LIVING ARRANGEMENTS. (intro.) For purposes
22 of this section, the location of a community living arrangement for adults, as defined
23 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
24 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in

1 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any
2 municipality, shall be subject to the following criteria:

3 **SECTION 12.** 60.63 (intro.) of the statutes is amended to read:

4 **60.63 Community and other living arrangements.** (intro.) For purposes
5 of s. 60.61, the location of a community living arrangement for adults, as defined in
6 s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
7 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in
8 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any town
9 shall be subject to the following criteria:

10 **SECTION 13.** 62.23 (7) (i) (intro.) of the statutes is amended to read:

11 **62.23 (7) (i) Community and other living arrangements.** (intro.) For purposes
12 of this section, the location of a community living arrangement for adults, as defined
13 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
14 55(1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined
15 in s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any
16 city shall be subject to the following criteria:

17 **SECTION 14.** 563.03 (1) of the statutes is amended to read:

18 **563.03 (1)** "Adult family home" has the meaning given in s. 50.01 (1) (a) or (b).

19 (END)